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Signature

Vineet Kohli  
Reg. No. 37,003



Docket No. 35853.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Henrik Stender et al.

SERIAL NO. : 08/943,777

ART UNIT: 1643

FILED : 10/3/97

FOR : Novel Probes for the Detection of Mycobacteria

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

FEB 09 2000

Sir:

OFFICE OF PETITIONS  
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Prior to examination of the above-identified application, please amend the  
above-identified application as follows:

**IN THE CLAIMS**

Please cancel claims 1-24, 35 and 36 without prejudice.

Please amend claim 25 to read as follows:

25. (once amended) [Use of a peptide nucleic acid probe according to  
claim 1 or a mixture thereof for detecting a target sequence of one or more  
mycobacteria optionally present in a sample.] A method of detecting a target  
nucleotide sequence corresponding to one or more species of mycobacteria that  
may be present in a test sample comprising contacting a peptide nucleic acid

probe to said sample under conditions favoring hybridization of said probe to said target sequence and detecting a complex formed between said probe and said target sequence as indicating presence of said target sequence in said test sample; wherein said target nucleotide sequence comprises one of mycobacterial rDNA, precursor rRNA or rRNA.

### CLAIMS

Claims 25-34 are in the application and are presented for consideration on the merit.

### REMARKS

The claims have been amended to better define the metes and bounds of the claimed invention. No fee is deemed necessary in connection with the filing of this Preliminary Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1855.

An early and favorable examination on the merits is earnestly solicited.

Respectfully submitted,

By: GRAHAM & JAMES LLP

Per:

  
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